

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 2, and 18 have been amended.

No new matter is being presented, and approval and entry of the foregoing amendments claims are respectfully requested.

Claims 1-18 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 5-6, the Examiner rejects claims 1, 7, 15, and 18 under 35 U.S.C. §102 in view of Kajiyama et al. (U.S. Patent No. 6,283,764). The rejection is traversed and reconsideration is respectfully requested.

While applicants do not agree with all aspects of the Examiner's characterization of Kajiyama et al. as being consistent with that of one of ordinary skill in the art, as discussed with the Examiner previously, the applicants respectfully submit that the prior art does not disclose or suggest at least "a catalog management (CMG) region having management information on the catalog information, and a catalog title set (CTS) in which is recorded at least one title catalog of the catalog information related to each item of the audio data" as recited in claim 1.

It is respectfully submitted that the prior art does not disclose or suggest "a still picture management (SMG) region having management information on the catalog information, and a still picture title set (SPTS) in which at least one still picture title including the still picture information related to each item of the audio data is recorded" as recited in claim 18 for at least similar reasons.

Claims 7 and 15 are deemed patentable due at least to their depending from claim 1.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 6-8, the Examiner rejects claims 2-6, 11, and 14 under 35 U.S.C. §103 in view of Kajiyama et al. and Heo (U.S. Patent No. 6,222,983). The rejection is traversed and reconsideration is respectfully requested.

As an initial point of clarification, Heo appears to have an earliest U.S. filing date of August 29, 1997, and issued April 24, 2001. In addition, the instant application has an earliest U.S. filing date of March 8, 1999. Therefore, Heo appears to qualify as prior art under 35 U.S.C. §102(e)(2).

In addition, it is noted that Heo is commonly owned with the instant application. Under 35 U.S.C. §103(c), "[s]ubject matter developed by another person, which qualifies as prior art only

under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP 2146, EXAMINATION GUIDELINES FOR 35 U.S.C. 102(E), AS AMENDED BY THE AMERICAN INVENTORS PROTECTION ACT OF 1999, AND FURTHER AMENDED BY THE INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2002, AND 35 U.S.C. 102(G), 1266 OG 77 (January 14, 2003). As such, it is respectfully submitted that Heo is not available as prior art for use in an obviousness rejection under 35 U.S.C. §103.

As such, even assuming arguendo that the Examiner is correct with regard to the disclosure of Kaijyama et al. as applied to claim 1, from which claim 2 depends, it is respectfully submitted that the Examiner does not assert that Kaijyama et al. discloses the features of claims 2-6, 11, and 14 without Heo. As such, it is respectfully submitted that the prior art does not disclose or suggest the invention recited in claims 2-6, 11, and 14.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION:

On pages 2-5 of the Office Action, the Examiner provisionally rejects claims 8-10, 12, 13, 16, and 17 in view of the combinations and claims as set forth in the Office Action. In light of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

SERIAL NO. 09/923,401

DOCKET NO. 1293.1059D

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 

James G. McEwen
Registration No. 41,983

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

Date: DEC 22, 2003